

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FRED BEEMAN,

Plaintiff,

v.

STEVEN THAYER.

Defendant.

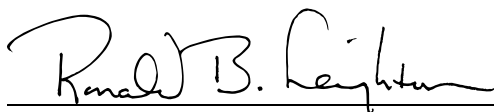
CASE NO. C13-5822 RBL-JRC

ORDER

The Court having reviewed the Report and Recommendation of the Hon. J. Richard  
Creatura, objections to the Report and Recommendation, if any, and the remaining record, does  
hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The Court dismisses this action prior to service because defendant, a criminal defense attorney, does not act under color of state law. Further, plaintiff may not challenge his conviction through a civil rights action. This dismissal is for failure to state a claim and it counts as a strike pursuant to 28 U.S.C. 1915(g).
- (3) The Court revokes in forma pauperis status for purpose of appeal.

DATED this 5<sup>th</sup> day of December, 2013.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE